

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,180	09/29/2003	Andrew T. Buscy	4068P009D	1110

8791 7590 08/24/2006

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER

TIEU, BENNY QUOC

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/675,180	Applicant(s) BUSEY ET AL.	
	Examiner Benny Q. Tieu	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21,22 and 24-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21,22 and 24-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on June 27, 2006 has been entered. Claims 21 has been amended. Claims 1-20, 23, and 28-50 have been canceled. No claims have been added. Claims 21, 22 and 24-27 are still pending in this application, with claim 21 being independent.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 21, 22, and 24-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification fails to support the limitations that Applicant has added to amended claim 21, e.g. "a number of calls associated with the viewed web pages have been currently assigned to the agent computer system". Dependent claims 22 and 24-27 are rejected because they depend from the rejected claim 21.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 21, 22, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jawahar et al. (U.S. Patent No. 6,256,620).

Regarding claim 21, Jawahar et al. teach an automatic call distribution system, wherein calls are assigned to lines of different communication types, the automatic call distribution system comprising:

a browser database allowing a customer to view web pages (Fig. 5, 170);

an agent computer system (Fig. 1, 20) for communicating with a customer (Fig. 1, 24);

and

a control system for assigning a call to the agent computer system by taking into account which web pages the customer has viewed (Fig. 9).

Jawahar et al. fail to disclose “a number of calls associated with the viewed web pages have been currently assigned to the agent computer system”. However, Jawahar et al. teach that module 112 is capable of generating various types of reports summarizing or identifying performance characteristics and other information related to the transaction processing environment (column 8, lines 30-42). The system disclosed by Jawahar et al. has capability to

Art Unit: 2614

keep track what an agent computer has done, to store information, and to generate a report.

Obviously, information such as number of calls might be included in the teaching of Jawahar et al. Further, keeping track of a number of calls associated with the viewed web pages have been currently assigned to the agent computer system is obviously lie under a normal capability of a skilled person in the art and would be a design choice for the skilled person. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a number of calls associated with the viewed web pages have been currently assigned to the agent computer system as a design choice feature into the agent computer system taught by Jawahar et al. in order to provide more information in generating reports.

Regarding claim 22, Jawahar et al. further teach the automatic call distribution system comprising:

a database having records of agent efficiency with respect to two or more communication types (Fig. 9, 278 & 280); and

the control system including a process for using the database information to assign a call to an agent (Fig. 9, 282).

Regarding claim 24, Jawahar et al. further teach the automatic call distribution system comprising: a performance tracker for tracking an agent's performance with respect to handling telephone and network calls (column 8, lines 30-42).

Regarding claims 25 and 26, Jawahar et al. further teach the automatic call distribution system wherein the performance tracker also takes into account whether the agent had multiple

Art Unit: 2614

lines allocated to the agent and the performance of a team of two or more agents (column 7, lines 3-24).

Regarding claim 27, Jawahar et al. further teach the automatic call distribution system wherein tracking is performed with respect to specific tasks (column 8, lines 30-42).

Response to Arguments

6. Applicant's arguments filed June 27, 2006 have been fully considered but they are not persuasive. The added limitations are not supported in Applicant's specification. However, even if it is supported in the specification, it is not over come the teachings of Jawahar et al. as discuss above. Applicant states on page 5 that Jawahar still fails to disclose such an assignment is also based on whether a particular agent has been currently assigned to a call or calls having similar types of communication lines. Examiner respectfully disagrees. As admitted by Applicant, Jawahar assigned an agent who is familiar to the Web site being viewed by the customer associated with the call, hence, no reasons for the system in Jawahar to assign the agent who is NOT familiar to the Web site being viewed by another customer in the next call. In other words, the agent will be assigned a number of calls associated with the same Web site which is familiar to the agent.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is 571-272-7490. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Benny Q. Tieu". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Benny Q. Tieu
Primary Examiner
Art Unit 2614
August 18, 2006